

# Welcome

Office for State, Tribal, Local and Territorial Support  
*presents . . .*

***CDC Vital Signs***

**E-cigarettes, Advertising, and Youth:  
A Public Health Priority**

**January 12, 2016**

**2:00–3:00 pm (EST)**



Centers for Disease Control and Prevention

Office for State, Tribal, Local and Territorial Support



# Agenda

<b>2:00 pm</b>	<b>Welcome &amp; Introductions</b>	<b>Steven L. Reynolds, MPH</b> Deputy Director, Office for State, Tribal, Local and Territorial Support, CDC
<b>2:05 pm</b>	<b>Presentations</b>	<b>Tushar Singh, MD, PhD, MS</b> Epidemic Intelligence Service Officer, Epidemiology Branch, Office on Smoking and Health, National Center for Chronic Disease Prevention and Health Promotion, CDC  <b>Jeanne Finberg, JD</b> Deputy Attorney General, California Department of Justice  <b>Robin Koval</b> President and CEO, Truth Initiative
<b>2:30 pm</b>	<b>Q&amp;A and Discussion</b>	<b>Steven L. Reynolds</b>
<b>2:55 pm</b>	<b>Wrap-up</b>	
<b>3:00 pm</b>	<b>End of Call</b>	



***Vital***<sup>CDC</sup>**signs™** Teleconference  
to support STLT efforts and build  
momentum around the monthly  
release of CDC *Vital Signs*



# Exposure to Electronic Cigarette Advertising Among Middle School and High School Students—United States, 2014

**Tushar Singh, MD, PhD, MS**

Office on Smoking and Health  
Centers for Disease Control and Prevention

# Electronic Cigarettes (E-cigarettes)

“Minis” or “Cigalikes”



“Mid-Sized”



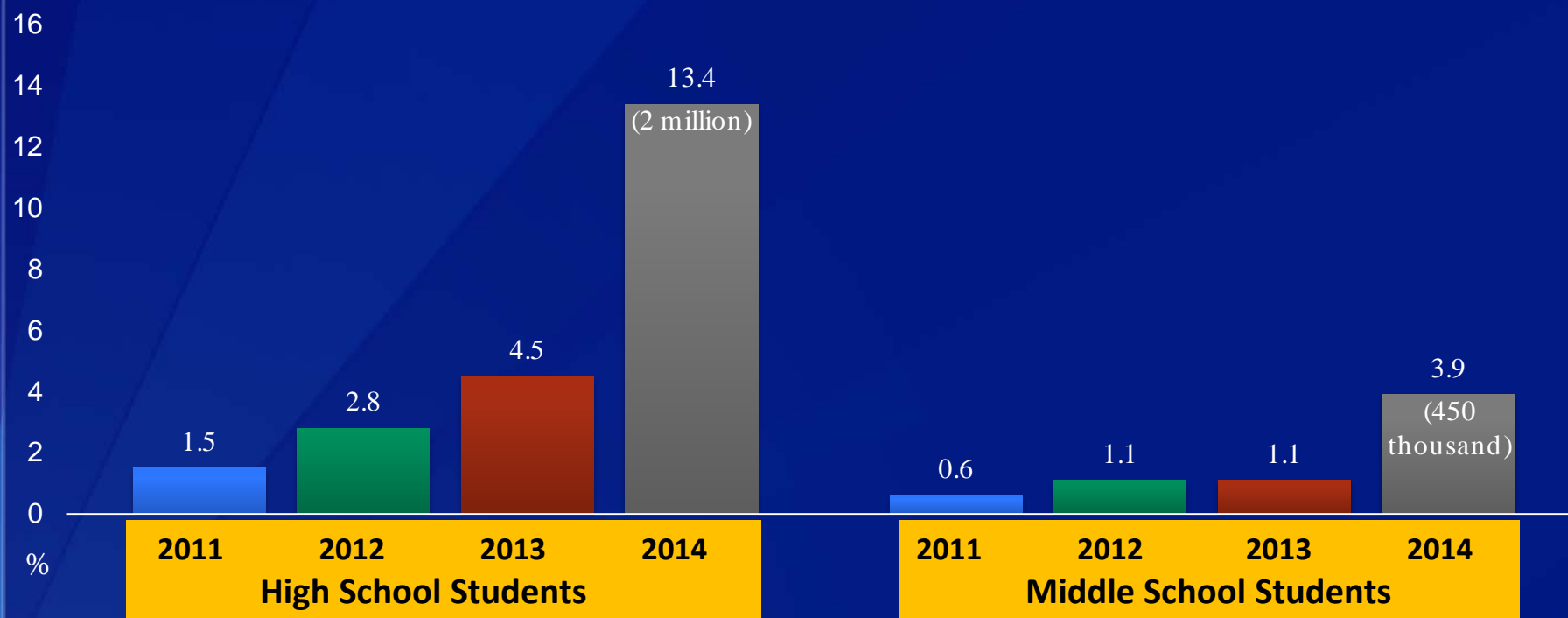
“Tanks” or “Mods”



## ▪ Potential Harms from E-cigarette Use Among Youth

- Cause nicotine addiction
- Might lead to sustained tobacco product use
- Might adversely affect the developing brain

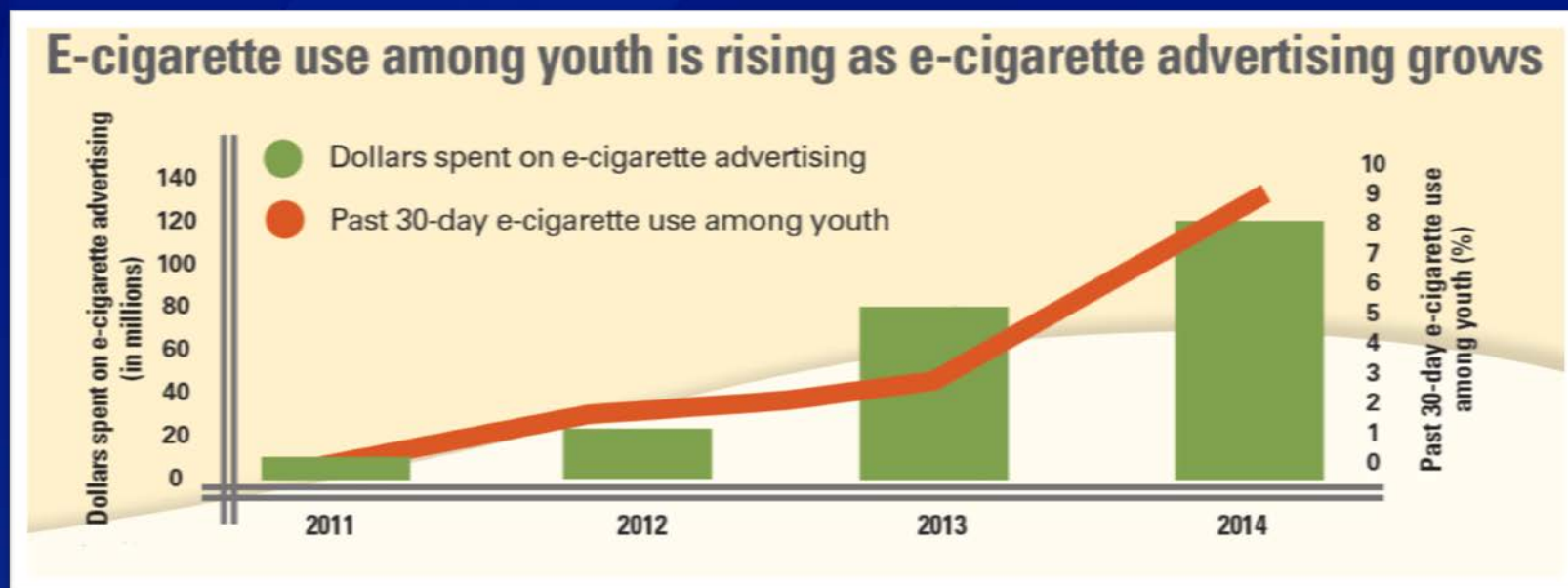
# Past 30-day E-cigarette Use Among US High and Middle School Students, 2011–2014



Arrazola RA, et al. Tobacco use among middle and high school students—United States, 2011–2014. MMWR Morb Mortal Wkly Rep 2015;64:381–5



# E-cigarette Advertising Expenditure and E-cigarette Use Among Middle and High School Students, 2011–2014



Arrazola RA, et al. Tobacco use among middle and high school students—United States, 2011–2014. MMWR Morb Mortal Wkly Rep 2015;64:381–5

Kim AE, et al. E-cigarette advertising expenditures in the US, 2011–2012. Am J Prev Med 2014;46:409–12.

Truth Initiative. Vaporized: majority of youth exposed to e-cigarette advertising; 2015. Washington, DC: Truth Initiative; 2015. Available at

<http://truthinitiative.org/research/vaporized-majority-youth-exposed-e-cigarette-advertising>.

# E-cigarette Ads Use Many of the Same Themes as Cigarette Ads

1940's / 1950's



2010's





## Methods

- **Data source: National Youth Tobacco Survey (NYTS), 2014**
  - Nationally representative survey of US middle and high school students
  - 22,007 participants in 2014
- **E-cigarette advertisement exposure assessed from 4 sources**
  - Retail stores
  - Internet
  - Newspapers and magazines
  - TV and movies
- **Analysis**
  - Weighted data analyzed overall and by school type, sex, race/ethnicity, and grade

## Main Findings

**18.3 million or 68.9% of middle and high school students exposed to e-cigarette advertising from at least one source**

### Sources of e-cigarette advertisement exposure



**14.4 MILLION**  
youth are exposed at  
retail stores

**54.8%**



**10.5 MILLION**  
youth are exposed  
through the internet

**39.8%**



**9.6 MILLION**  
youth are exposed  
through TV/movies

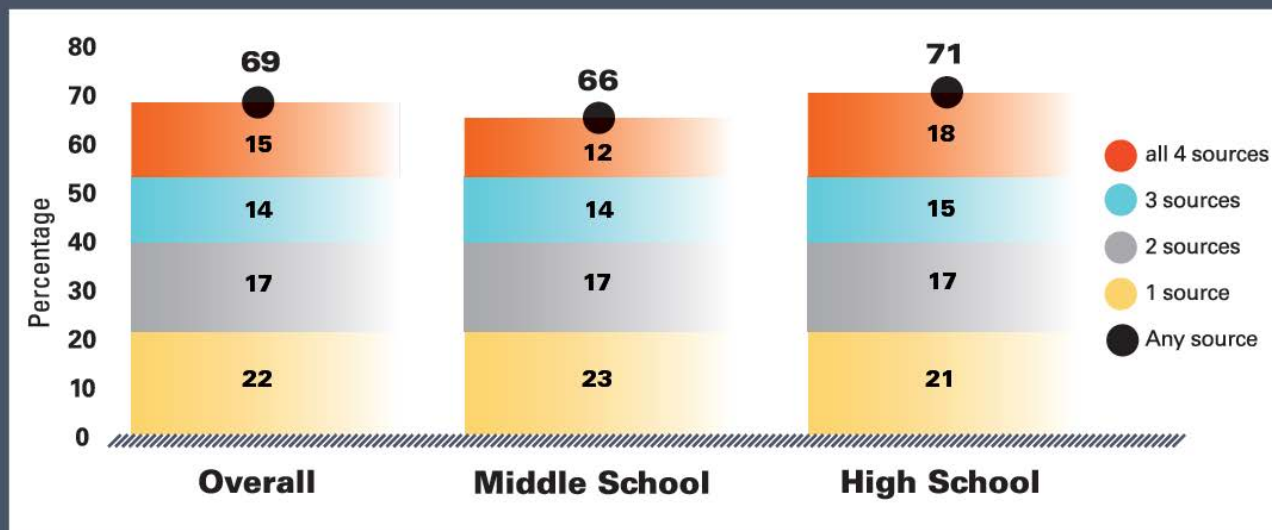
**36.5%**



**8 MILLION**  
youth are exposed through  
magazines/newspapers

**30.4%**

# Exposure to E-cigarette Advertisements by Number of Exposure Sources



\* Percentages may not add up exactly to any source due to rounding.

## What Can Be Done?

- **States and communities can:**
  - Fund tobacco prevention and control programs at CDC-recommended levels
  - Limit where and how all tobacco products, including e-cigarettes are sold
    - Allow e-cigarette sales only through face-to-face transactions
    - Limit tobacco sales to facilities that never admit youth
  - Support efforts to implement and continue proven youth tobacco prevention approaches
    - Tobacco price increases
    - Comprehensive smoke-free laws
    - High-impact mass media campaigns

## What Can Be Done (cont'd)

- **Pediatricians, nurses, and other healthcare providers can:**
  - Ask about youths' e-cigarette use and provide counseling
  - Ask all patients about their tobacco use, and provide help to users with quitting
  - Advise parents and caregivers to actively participate in children's choice of media and websites
  
- **Parents and caregivers can:**
  - Set positive example by being tobacco-free
  - Talk to youth about harms of using tobacco products, including e-cigarettes

# Contact Information

**Tushar Singh**  
Email: **[TSingh@cdc.gov](mailto:TSingh@cdc.gov)**

**Thank you!**

**For more information please contact Centers for Disease Control and Prevention**

1600 Clifton Road NE, Atlanta, GA 30333

Telephone: 1-800-CDC-INFO (232-4636)/TTY: 1-888-232-6348

Visit: [www.cdc.gov](http://www.cdc.gov) | Contact CDC at: 1-800-CDC-INFO or [www.cdc.gov/info](http://www.cdc.gov/info)

Visit [Vital Signs](#)

The findings and conclusions in this report are those of the authors and do not necessarily represent the official position of the Centers for Disease Control and Prevention.





# The Regulation of Electronic Cigarettes in California



**JEANNE FINBERG**

**DEPUTY ATTORNEY GENERAL  
CA OFFICE OF THE ATTORNEY GENERAL**

**OAKLAND, CA**

# Litigation

## 2009 Early investigation and litigation

- People v. Smoking Everywhere
- People v. Sottera/NJOY
  - Age restrict sales – gov't ID for 26 and under
  - Not sell flavors targeted to appeal to minors



# 2010 Consent Judgments

## NJOY and Smoking Everywhere



- Age restrict sales – gov't ID for 26 and under
- Not sell flavors targeted to appeal to minors including enumerated fruit and sweet flavors
- Not use young models (appear <28), cartoons, art, fashion or music intended to appeal to minors
- Displays and products state ID required 26 under
- No self service displays, direct ads to minors
- No smoking cessation claims unless FDA approves as a smoking cessation device.
- No false or misleading health and safety claims including: safer than cigs, no tar, no first- or second-hand smoke, no tobacco, no carcinogens – without reliable competent scientific evidence
- No vitamins or substances intended to portray use will improve health
- Quality control – manufacturing standards and audits
- Proposition 65 warnings – not standard

# Existing Laws

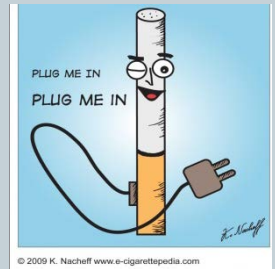
- **Statutes:**

- CA – sales to minors is prohibited – first and only statute specific to e-cigarettes
- Proposition 65 warnings
  - ✦ Reproductive harm – nicotine
  - ✦ Carcinogens
- Consumer protection statutes



# Enforcement

- Emphasize Voluntary Compliance
- Letters to more than 200 companies, mostly about Internet advertising and sales, advice
- Large companies, complaints, egregious conduct
- Issues:
  - Sales to minors, age gates—front end, back end
  - Marketing to minors
    - ✦ Flavors, young models, music, art, sports, sponsorships, celebrities



# Enforcement Issues

- Issues (continued)

- Smoking cessation claims
- False or misleading Health & Safety claims
- Proposition 65
- Child proofing
- Smoke Everywhere
  - “Harmless water vapor”
  - “Completely safe”





# Federal, State, and Local Authority



- **Smoking cessation claims prohibited by federal law**
- **State laws prohibit sales to minors**
  - Some more restrictions, including smoke-free, child proof pkg
  - General consumer protection laws
- **Local jurisdictions have licensing requirements**
  - Monitoring and enforcement of retail outlets
  - Checking ID
  - Can't spring up in mall or neighborhood w/out consequences
  - Some prohibit flavors

# Law Enforcement and Regulators



- **FDA – deeming regulations, taking jurisdiction**
  - Will make a huge difference regarding sales to minors
  - States implement federal tobacco program re youth sales
- **But while we are waiting...**
  - State Attorneys General
  - County District Attorneys
  - City attorneys
  - All can enforce general consumer-protection laws that prohibit false or misleading advertising
  - Safe, healthy, smoking cessation

# NJOY Consent Judgment Modification



- Child-proof packaging
- Third-party verification online
- Test and enforce at retail – chains and independents
- Social media age restriction – Facebook, YouTube, Google+, Twitter, Tmblr, Instagram
- Broadcast and print ads by age
- No billboards, public transit ads
- No product placement in movies, plays, TV, video games unless R-rated
- Signage about age and ID



# Contact Information



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# Youth and young adult exposure to e-cigarette marketing

E-CIGARETTES, ADVERTISING AND YOUTH: A PUBLIC HEALTH PRIORITY

ROBIN KOVAL | CEO & PRESIDENT



# Agenda

Youth and young adult awareness

Spending on paid e-cigarette ads

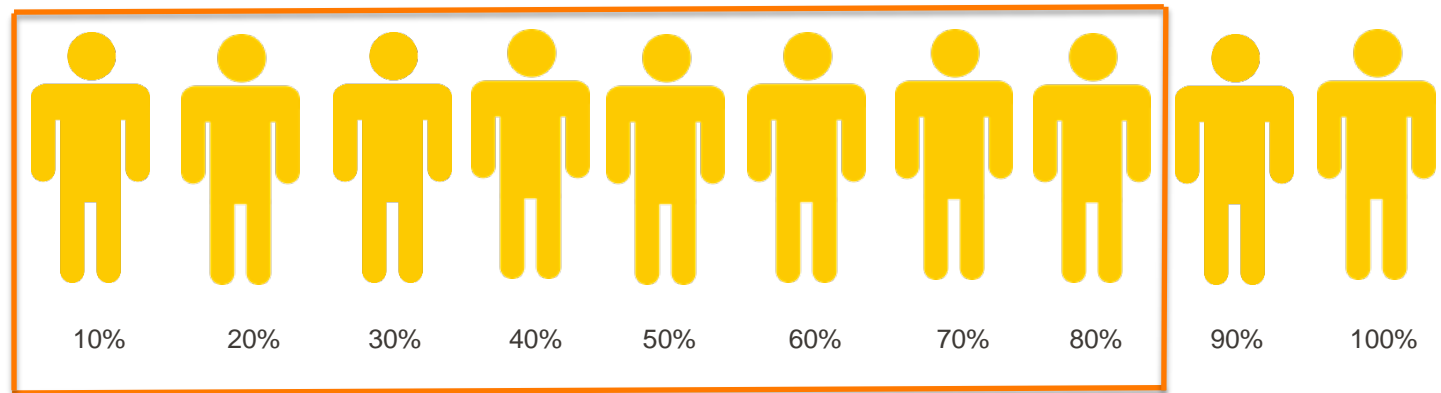
Analysis of ad placement and themes





# 8 in 10 youth are aware of e-cigarette ads

E-CIGARETTE AD AWARENESS – AUGUST 2015



**Ages 13-17**  **82%**

**Ages 18-21**  **88%**



# Awareness of e-cig ads by media channel

AWARENESS OF E-CIGARETTE ADS IS HIGHEST IN RETAIL ESTABLISHMENTS



**Retail\***



**Television**



**Online**

**Ages 13-17**

**69%**

**44%**

**40%**

**Ages 18-21**

**75%**

**57%**

**57%**

\* **Note:** Retail includes convenience stores, supermarkets and gas stations. 28














# Spending by brand

FIVE BRANDS ACCOUNT FOR 95% OF E-CIGARETTE AD SPENDING

## Ad spending by top 5 e-cigarette brands

Brands owned by Big Tobacco companies

	Total category ad spend					
2013	<b>\$75.7 million</b>	\$49 million	\$431,000	\$1.8 million	\$7.5 million	\$11 million
2014	<b>\$115.3 million</b>	\$39 million	\$54 million	\$9.6 million	\$614,000	\$7.8 million
Change	 <b>52%</b>	 20%	 12,429%	 433%	 92%	 29%

2015 (Jan-Jun)	\$25.5 million	<b>blu</b> \$4.7 million	<b>MarkTen</b> \$10.3 million	<b>Vuse</b> \$10.3 million	<b>FIN</b> \$62,000	<b>NJOY</b> \$160,000
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# Spending by channel

MAGAZINES AND CABLE TV ACCOUNTED FOR THE MAJORITY OF DOLLARS SPENT



2014 advertising:  
**\$83.4 million**

Top category spender:  
**MarkTen**



2014 advertising:  
**\$22.3 million**

Top category spender:  
**blu**

## 2014 e-cigarette advertising expenditure share by channel

Magazines	<b>72%</b>	Network radio	2%
Cable	<b>19%</b>	Newspapers	1%
Spot TV	3%	Digital display	1%
B2B	2%		



# 2014 exposure to print and TV e-cig ads

TEENS AND YOUNG ADULTS MOST LIKELY TO SEE BLU, MARKTEN, AND VUSE ADS



**blu**

**MarkTen**

**Vuse**

**Ages 12-17**

**72%**

**43%**

**37%**

**Ages 18-24**

**90%**

**78%**

**40%**

# Ad placement

TV AND PRINT OUTLETS WITH HIGHEST SPEND OVER-INDEX AMONG YOUNG ADULTS





# Ad messages across the spectrum

Product Focus

Lifestyle Focus



**PROMISE LANDED**  
THE FIRST TRULY DIGITAL VAPOR CIGARETTE  
FINALLY AN ELECTRONIC CIGARETTE THAT DELIVERS

**A PERFECT PUFF  
FIRST TIME, EVERY TIME**

Microprocessor controlled, VUSE ensures consistently satisfying puffs, counts the number of puffs taken and informs you when the Cartridge and battery are getting low.

**V-Liquid™**  
Blended by tobacco experts with over 100 years experience for superior taste & vapor.

Designed & Assembled in the USA.

**VUSE**



**SLIM. CHARGED.  
READY TO GO.**

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NATIONWIDE!**  
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**blu** ELECTRONIC CIGARETTES

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**blu** ELECTRONIC CIGARETTE

Leaders know freedom never goes out of style. Control when and where you want to smoke with blu electronic cigarettes. blu produces no smoke and no ash, only vapor, making it the ultimate gadget and the smarter alternative to regular cigarettes.

[blucigs.com](http://blucigs.com)

Available Now at: **Sheetz**, **Scolari's**, **Walmart**, **H-E-B**, **meijer**

18+ only. CALIFORNIA PROPOSITION 65 Warnings: This product contains nicotine, a chemical known to the state of California to cause birth defects or other reproductive harm.



**MARKTEN®  
e-vapor**

Available in Classic and Menthol with choice in pack.

Full draw. Fully rechargeable.

**WARNING:** This product is not intended for use by women who are pregnant or breast feeding, or persons with or at risk of heart disease, high blood pressure, diabetes, or taking medicine for depression or asthma. Nicotine is addictive and habit forming, and it is very toxic by inhalation. Nicotine can increase your heart rate and blood pressure and cause dizziness, nausea, and stomach pain. Inhalation of this product may aggravate existing respiratory conditions.



**OVER  
550 PUFFS**





# Our take

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- Awareness of e-cigarette advertising is nearly universal among teens and young adults
- Big Tobacco is a major spender on e-cigarette advertising... and spending is likely considerably higher than captured in our report
- While spending is lower on TV than in print channels, TV is a larger source of e-cigarette ad awareness
- Analysis of TV/print ad placement suggests young adult target
- Analysis of content shows a range of communication themes from product focus to lifestyle focus



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# Thank you

@Robin\_Koval  
rkoval@truthinitiative.org

*To read or download the Vaporized report,  
visit [www.truthinitiative.org](http://www.truthinitiative.org) and search  
“Vaporized”*



# CDC *Vital Signs* Electronic Media Resources

Become a fan on Facebook

[www.facebook.com/cdc](http://www.facebook.com/cdc)

Follow us on Twitter

[twitter.com/CDCgov/](http://twitter.com/CDCgov/)

Syndicate *Vital Signs* on your website

<http://tools.cdc.gov/syndication/search.aspx?searchURL=www.cdc.gov%2fvitalsigns>

*Vital Signs* interactive buttons and banners

<http://www.cdc.gov/socialmedia/tools/buttons/vitalsigns/index.html>

## *Prevention Status Reports*

- ❑ The Prevention Status Reports (PSRs) highlight—for all 50 states and the District of Columbia—the status of public health policies and practices designed to prevent or reduce 10 important public health problems.

Topics	
 Excessive Alcohol Use	 Motor Vehicle Injuries
 Food Safety	 Nutrition, Physical Activity, and Obesity
 Healthcare-Associated Infections	 Prescription Drug Overdose
 Heart Disease and Stroke	 Teen Pregnancy
 HIV	 Tobacco Use

[www.cdc.gov/psr/](http://www.cdc.gov/psr/)

**Provide feedback on this teleconference:**

**[OSTLTSFeedback@cdc.gov](mailto:OSTLTSFeedback@cdc.gov)**



Please mark your calendars for the next

***Vital Signs Town Hall Teleconference***

**February 9, 2016**

**2:00–3:00 pm (EST)**

**For more information, please contact Centers for Disease Control and Prevention.**

1600 Clifton Road NE, Atlanta, GA 30333

Telephone, 1-800-CDC-INFO (232-4636)/TTY: 1-888-232-6348

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The findings and conclusions in this presentation are those of the authors and do not necessarily represent the official position of the Centers for Disease Control and Prevention.



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